

EXHIBIT V

1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONNY A. SINKOV, as Administrator of the
Estate of SPENCER E. SINKOV, deceased,
DONNY A. SINKOV and HARA SINKOV,

Plaintiffs,

-against-

DONALD B. SMITH, individually and in his
official capacity as Sheriff of Putnam
County, JOSEPH A. VASATURO, individually,
LOUIS G. LA POLLA, individually, THE COUNTY
OF PUTNAM, NEW YORK, and AMERICOR, INC.,

Defendants.

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222 Bloomingdale Road
White Plains, New York
January 16, 2008
1:45 p.m.

EXAMINATION BEFORE TRIAL of ROBERT
WENDOVER, a witness on behalf of the Defendant -
COUNTY OF PUTNAM in the above-captioned matter,
held pursuant to Notice at the above time and
place, before a Notary Public of the State of
New York.

Tracy Smith,
Shorthand Reporter

COMPU-TRAN SHORTHAND REPORTING

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2 IT IS HEREBY STIPULATED AND AGREED,

3 by and between the attorneys for the respective

4 parties hereto, that the sealing and filing of

5 the within deposition be waived; that such

6 deposition may be signed and sworn to before any

7 officer authorized to administer an oath with

8 the same force and effect as if signed and sworn

9 to before a Justice of this Court.

10

11 IT IS FURTHER STIPULATED AND AGREED

12 that all objections, except as to form, are

13 reserved to the time of trial.

14

15 IT IS FURTHER STIPULATED AND AGREED

16 that the within examination and any corrections

17 thereto may be signed before any Notary Public

18 with the same force and effect as if signed and

19 sworn to before this Court.

COMPU-TRAN SHORTHAND REPORTING

2

2 APPEARANCES:

3

4 LOVETT & GOULD, LLP

5 Attorneys for Plaintiffs

6 222 Bloomingdale Road

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8 BY: KIM BERG, ESQ.

9

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BY: BERNICE E. MARGOLIS, ESQ.

ALSO PRESENT: Donny Sinkov
Donald Smith

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2 ROBERT WENDOVER,

3 having been duly sworn by Tracy Smith,

4 a Notary Public within and for the State

5 of New York, was examined and testified

6 as follows:

o o o

10 EXAMINATION BY MS. BERG:

11 Q. State your name and address for

12 the record, please.

13 A. Robert Wendover, 3 County Center,

14 Carmel, New York 10512.

15 Q. Officer Wendover, I'm Kim Berg. I

16 represent Donny Sinkov, Hara Sinkov and the

17 estate of Spencer Sinkov.

18 I'm going to be asking you some

19 questions. Let me know if there's anything

20 I say that you don't understand.

21 A. Okay.

22 Q. Try to verbalize your responses

23 instead of nodding your head or giving a

24 gesture. If you forget, I'll remind you.

25 A. Okay.

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ROBERT WENDOVER

Q. If you give an answer during the deposition that's incorrect or incomplete, sometimes as we go along you may recall something, interrupt me and certainly before you leave today, let me know so we can make sure we have a complete and accurate transcript.

A. Okay.

Q. Do you understand all that?

A. Yes.

Q. Can you describe for me your educational background?

A. G.E.D.

Q. When did you receive that?

A. 1986.

Q. Currently employed?

A. Yes.

Q. In what capacity?

A. Correction officer, Putnam County Correctional Facility.

Q. For how long have you been employed in that capacity?

A. Since May 5, 2002.

Q. Can you describe your duties and

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ROBERT WENDOVER

responsibilities as a correction officer?

A. Basically, all aspects of the correctional field.

Q. What does that involve?

A. Care and custody. I do some booking. Some transports. That pretty much wraps up everything.

Q. Are you assigned to the same post or does your post change?

A. It rotates.

Q. Approximately, how often or what percentage of the time have you spent in booking?

A. Over the past two years, probably 50 percent of the time was in booking.

Q. Are you assigned to any particular shift? Day shift? Night shift?

A. I just moved to the day shift, 7:30 to 3:30.

Q. Prior to that, what shift did you have?

A. 3:30 to 11:30.

Q. Have you ever been assigned to the North Housing Unit post?

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Q. -- new inmates?

Are you aware of any policies and procedures in the correctional facility that have changed in any way since May 20, 2006 pertaining to the intake of inmates?

A. Yes.

Q. What are you aware of?

A. One change was a 15-minute watch is no longer acceptable for suicides. For suicide watch, I should say. Department of Mental Health.

Q. Any other changes in policies or practices since May 20, 2006?

A. The only other one I can recall is we now sign a paper saying that we read the actual change in policies.

Q. When did that come about in terms of signing?

A. I don't recall. Over the past year.

Q. Do you recall when the policy came out regarding 15-minute watch being no longer acceptable for a suicide watch or mental health issue?

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ROBERT WENDOVER**A. No.****Q.** How did you find out about that new policy?**A. I believe we were informed that it was being put in the policy and procedure book, and we were told to look it over.****Q.** Do you recall who told you about it?**A. No.****Q.** Did you have any discussions with anybody about the changes in the policy?**A. Not that I recall.****Q.** Did you ever receive any training on the changes in the policy?**A. No new training, no.****Q.** Prior to May 20, 2006, what was the policy, if any, and place with respect to suicide watch or mental health issue?**A. We had suicide screening intake, and it was my understanding it was just a guide to a final decision whether you put somebody on a 15-minute watch, a constant watch or routine watch.****Q.** Prior to May 20, 2006 --*COMPU-TRAN SHORTHAND REPORTING*

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withdrawn.

The suicide screening intake that you referred to, is that the same form that's been used since May 20, 2006, or did it change in any way?

A. I believe it's the same.**Q.** So, is it your understanding since May 20, 2006, based on any new policy or procedure, that your completion of that form requires sometimes in certain cases a specific level of supervision?**A. I'm sorry. If you're asking does that form with the information on the form make me decide what supervision, yes.****Q.** Since May 20, 2006, with this new policy coming out about 15-minute watch no longer being acceptable for suicide watch or mental health issue, have you received any indication or training or instruction on how the suicide screening form plays into that role or policy?**A. We have our yearly suicide prevention training.****Q.** For how long have you had that

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training?

A. It's been every year since I've been there.**Q.** Have you ever received any documents as part of that training, any handouts or anything like that?**A. I'm sure we have. I don't recall what they were, but I'm sure we have.****Q.** In terms of the suicide screening form, do you recognize the form? Not the handwriting but the form itself as Exhibit 3, as that document.**A. Yes.****Q.** And your recollection is that form was used both before and after May 20, 2006?**A. Yes.****Q.** With respect to the total of the numbers, the total column, did you ever receive any training as to what should be done if someone scores eight or higher on that form?**A. Yes.****Q.** Since this new policy came about after May 20, 2006 regarding 15-minute watch*COMPU-TRAN SHORTHAND REPORTING*

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being no longer acceptable, have you received any training on what it means if somebody scores eight or higher?

A. No different training, no.**Q.** What is your understanding since May 20, 2006 as to what you're supposed to do in terms of level of supervision if somebody has a score of eight or higher?**A. Notify a supervisor.****Q.** Anything else?**A. The officer and the supervisor get together and they would decide the level of supervision that they felt was necessary.****Q.** Were you ever made aware of any policies or procedures that required constant supervision if somebody scored eight or higher?**A. No. I've seen nothing with that.****Q.** Even with the new amendment after May 20, 2006, do you have any understanding as to whether constant supervision is required if someone scores eight or higher?**A. No.***COMPU-TRAN SHORTHAND REPORTING*

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1 **Q.** What is your understanding based
2 on your experience or training as to the
3 purpose of the Suicide Prevention Screening
4 Guideline form?

5 **A. I believe it's a tool to decide**
6 **the level of supervision.**

7 **Q.** Were you ever trained or
8 instructed that that form is used to
9 determine if an inmate is at high risk of
10 harming themselves?

11 **A. Yes.**

12 **Q.** Did you ever have an understanding
13 based on training or experience that if
14 someone scores eight or higher on that form,
15 it's an indication that they're in high risk
16 of harming themselves?

17 **A. I was trained there was a**
18 **possibility, yes.**

19 **Q.** Who trained you as to that being a
20 possibility as opposed to a set fact?

21 **A. A couple different training**
22 **officers over the years.**

23 **Q.** Do you recall who specifically
24 trained you if somebody scores eight or
25

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1 higher, it's merely a possibility that
2 they're a risk to themselves?

3 **A. Training officers I've had in the**
4 **past are Sergeant Jackson, Sergeant Greno**
5 **and Lieutenant O'Malley.**

6 **Q.** Do you recall if all or just one
7 of them trained you about that?

8 **A. I don't recall specifics.**

9 **Q.** Did anybody ever indicate to you
10 in words or in substance during the training
11 or elsewhere that the New York State
12 Commission of Correction states in its
13 regulations that constant supervision should
14 be implemented if somebody has a score of
15 eight or more?

16 **A. No.**

17 **Q.** There are certain boxes on that
18 yes column that are shaded; do you see that?

19 **A. Yes.**

20 **Q.** Are you aware of any policies or
21 procedures at Putnam County which require
22 any action on the booking officer's part if
23 one or more than of those shaded boxes are
24 checked?
25

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ROBERT WENDOVER

1 **A. Yes.**

2 **Q.** What is your understanding of
3 those policies?

4 **A. Supervision notification.**

5 **Q.** Anything else?

6 **A. No.**

7 **Q.** Did anybody ever advise you of the
8 existence of any policies or procedures
9 which required any specific level of
10 supervision or heightened level of
11 supervision if one or more shaded box was
12 checked?
13

14 **A. I was advised it was a**
15 **possibility. It wasn't definite.**

16 **Q.** Was this during your training as
17 well?

18 **A. During my training and my time of**
19 **working and learning the process.**

20 **Q.** Other than during training, who
21 advised you that it was a possibility that a
22 heightened level of supervision would be
23 necessary if a shaded box was checked?

24 **A. Shift supervisors.**

25 **Q.** Do you recall who?

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1 **A. No other officers. Just general**
2 **assistance from other people learning the**
3 **job.**

4 **Q.** Are you aware of any changes in
5 the requirement to notify a supervisor since
6 May 20, 2006?

7 **A. Yes.**

8 **Q.** What are you aware of?

9 **A. Supervisor gets notified at the**
10 **completion of every form. They come up and**
11 **look it over and sign off on it.**

12 **Q.** What was the policy before May 20,
13 2006 or the practice, if you will, at that
14 time?

15 **A. Just they had to be notified.**

16 **Q.** Anything in terms of verbal or
17 written?

18 **A. Just verbal. Verbal**
19 **notification.**

20 **Q.** Anything in terms of when they had
21 to be notified?

22 **A. No.**

23 **Q.** Was the supervisor required to
24 sign off on the form, the suicide screening
25

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ROBERT WENDOVER

1 form before May 20, 2006?

2 **A. Not that I'm aware of.**

3 **Q.** When the supervisor looks over the
4 form again since May 20, 2006, is that in
5 collaboration with the booking officer?

6 **A. Yes.**

7 **Q.** Is anybody else involved in that
8 review process?

9 **A. Occasionally, the medical staff.**

10 **Q.** Those would be nurses?

11 **A. Yes.**

12 **Q.** What involvement do they have in
13 that review process?

14 **A. Just input if they saw something**
15 **that we didn't see or they felt something we**
16 **didn't feel.**

17 **Q.** How do you get their input? Do
18 they bring it to you, do you ask them?

19 **A. Both ways. They sometimes would**
20 **bring it up. Sometimes you would ask them.**

21 **Q.** Is there any requirement as far as
22 you know, to seek their input?

23 **A. No.**

24 **Q.** Or for them to give it to you?

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1 **A. No.**

2 **Q.** In terms of the notification
3 provisions, were you aware of any written
4 policy or other document which indicates
5 that the supervisor has to be notified and
6 review the actual guidelines since May 20,
7 2006?

8 **A. I don't know of anything in**
9 **writing.**

10 **Q.** Did you ever see anything in the
11 booking area, either in typewritten or
12 handwritten form, regarding notification to
13 the supervisor?

14 **A. I don't recall. I remember**
15 **seeing it, but I don't recall where I saw**
16 **it. Whether it was type or handwritten.**

17 **Q.** In terms of the policies and
18 procedures since May 20, 2006, are you aware
19 of any changes in what an officer is
20 required to do during a 15-minute
21 supervisory check?

22 **A. No. No changes that I recall.**

23 **Q.** Did you ever see Exhibit 18 which
24 is a copy of a procedure regarding a
25

19

ROBERT WENDOVER

1 logbook?

2 **A. Yes.**

3 **Q.** Do you recall when you saw that
4 for the first time?

5 **A. Probably when I was hired. They**
6 **gave us the policy and procedures and told**
7 **us to read through them.**

8 **Q.** Do you know if this was something
9 that was given to you upon your hire?

10 **A. I don't recall if it was given to**
11 **me immediately. It wasn't given to me to**
12 **keep, but I was given a copy of the books to**
13 **look over, yes.**

14 **Q.** It says on the top, date of first
15 issue, May 29, 2001. Then there's an
16 effective date August 12, 2005 and date of
17 amendment February 23, 2006. Do you see
18 those dates here, here and here?

19 *(Indicating)*

20 **A. Yes.**

21 **Q.** Do you recall if you received
22 anything in terms of any amendment?

23 **A. I don't recall.**

24 **Q.** Do you recall in terms of looking
25

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1 at this document, what the amendments were?

2 **A. I don't recall.**

3 **Q.** Take a look at the second page at
4 the bottom underneath the section that says
5 15-minute supervisory visit, letter H.
6 "15-minute supervisory visits are not
7 adequate as suicide prevention precaution."
8 Do you see that?

9 **A. Yes.**

10 **Q.** Do you recall ever seeing that
11 before today?

12 **A. Yes.**

13 **Q.** Do you recall when for the first
14 time?

15 **A. No.**

16 **Q.** Do you remember if it was before
17 or after May 20, 2006 when Spencer Sinkov
18 committed suicide at the jail?

19 **A. No, I don't.**

20 **Q.** Did you ever come to learn at any
21 point in time that the State Commission of
22 Correction was coming to the facility to
23 interview individuals about Spencer's death?

24 **A. Yes.**

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1 **Q.** That was in August of 2006; do you
2 recall that?

3 **A.** **I don't recall an exact date, but**
4 **I was told they would be coming to interview**
5 **me.**

6 **Q.** Did you speak with them?

7 **A.** **Yes.**

8 **Q.** You don't recall when that was?

9 **A.** **No, I don't remember the date.**

10 **Q.** In terms of that date, do you
11 recall if within a month or few weeks of
12 your interview with the commissioners or
13 investigators from the commission, if there
14 were any policies that were put in the
15 procedure books?

16 **A.** **I don't recall.**

17 **Q.** Do you recall if Exhibit 18 was
18 added to the books or a version of Exhibit
19 18 was added to the books in or about August
20 2006?

21 **A.** **I don't recall what the dates**
22 **were.**

23 **Q.** 15-minute supervisory visit,
24 letter G says, "Each visit shall involve/
25 **COMPU-TRAN SHORTHAND REPORTING**

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1 include a brief period of interaction with
2 the inmate to include but not limited to,
3 such things as the current time and place,
4 the inmate's feeling as to their current
5 confinement and the inmate's needs. This
6 should be in a professional manner but as
7 personal as possible." I read that
8 accurately?

9 **A.** **Yes.**

10 **Q.** With respect to that provision
11 regarding 15-minute supervisory visits, were
12 you ever trained or instructed as to what
13 specific interaction you should be having
14 during the 15-minute checks?

15 **A.** **Yes.**

16 **Q.** What were you trained or
17 instructed?

18 **A.** **Every 15 minutes, you go around.**
19 **Get a visual. First of all, making sure**
20 **they're there. If they're sleeping, make**
21 **sure they're breathing. If they're awake,**
22 **you can ask them if they need anything. How**
23 **they're doing. It varied on the condition**
24 **of the inmate when he came in.**

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ROBERT WENDOVER

1 **Q.** Did anybody ever tell you that
2 during the 15-minute checks, you were
3 supposed to actually interact with the
4 inmate?

5 **A.** **We were told we were supposed to**
6 **interact with all inmates.**

7 **Q.** But specifically for those on
8 15-minute checks, were the interactions as
9 far as you were trained, supposed to be any
10 different, more involved, more specific,
11 anything else?

12 **A.** **I would say yes.**

13 **Q.** What were you trained?

14 **A.** **We were trained just because it's**
15 **more of a one-on-one instead of being in a**
16 **group of 30 or 40 inmates, you're checking**
17 **on one inmate instead of the whole unit. So**
18 **you talked more directly to them.**

19 **Q.** What about on the 30 minute or the
20 routine supervisions?

21 **A.** **It's pretty much the same thing.**

22 **Q.** In what way?

23 **A.** **You physically talk to the**
24 **inmates. You check to make sure they're**
25 **COMPU-TRAN SHORTHAND REPORTING**

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1 **breathing. Acknowledge what they're doing**
2 **and see if they have any needs.**

3 **Q.** Did anybody ever tell you that the
4 15-minute visits were different in any way
5 than the routine visits?

6 **A.** **No.**

7 **Q.** How about documentation
8 requirements, are there any differences in
9 the way you were supposed to document in a
10 logbook, a routine visit versus a 15-minute
11 visit?

12 **A.** **Just the wording.**

13 **Q.** In what way?

14 **A.** **Just logging in that it was a**
15 **15-minute supervisory visit.**

16 **Q.** Did anybody ever train you that
17 you're supposed to note during a 15-minute
18 supervisory visit entry in a logbook, what
19 the inmate was doing at the time you
20 observed them?

21 **A.** **I believe we were trained to log**
22 **that in once every hour block.**

23 **Q.** Do you serve in any role with the
24 union?
25 **COMPU-TRAN SHORTHAND REPORTING**

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- 1
2 **A. Yes.**
3 **Q. What role?**
4 **A. I'm union president.**
5 **Q. For how long have you held that**
6 **position?**
7 **A. Geez. Two and a half years.**
8 **Q. Did you ever have any**
9 **conversations with Correction Officer**
10 **Vasaturo concerning Spencer Sinkov?**
11 **A. Not really.**
12 **Q. Do you recall any as you sit here**
13 **today?**
14 **A. Excuse me?**
15 **Q. Do you recall any conversations as**
16 **you sit here today?**
17 **A. The only conversations I recall**
18 **with him were just stuff that he's going**
19 **here. He's being sued. Nothing in**
20 **specifics.**
21 **Q. Do you recall discussing anything**
22 **with him about discipline or potential**
23 **discipline against him?**
24 **A. I recall hearing him say --**
25 **talking to him. I really wasn't talking.**

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- 1 **He mentioned that the commission recommended**
2 **discipline. That's the only thing I recall**
3 **with him.**
4 **Q. Did he say why?**
5 **A. No.**
6 **Q. Do you recall when that was?**
7 **A. No.**
8 **Q. Anything else that you can recall**
9 **saying to Vasaturo or Vasaturo saying to you**
10 **that in any way related to Spencer or the**
11 **events of May 20, 2006?**
12 **A. No.**
13 **Q. Did you ever discuss with him any**
14 **changes in the policies that came down after**
15 **Spencer's death?**
16 **A. Not that I can recall.**
17 **Q. You know Sergeant LaPolla?**
18 **A. Yes.**
19 **Q. Did you ever have any**
20 **conversations with him about Spencer or the**
21 **events of May 20th?**
22 **A. Pretty much the same**
23 **conversations. They really couldn't get**
24 **to the point they said because of a**

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ROBERT WENDOVER

- 1 **lawsuit.**
2 **Q. Do you recall anything LaPolla**
3 **said to you or that you said to him?**
4 **A. Nothing in specific.**
5 **Q. Anything general, the gist?**
6 **A. It was general, he talked a**
7 **little about the discipline possibility. He**
8 **was pretty hush-hush about the whole thing.**
9 **Q. Do you recall saying anything to**
10 **LaPolla or LaPolla saying anything to you**
11 **about any changes in policies or procedures?**
12 **A. He did at one point say there was**
13 **a change in the policy. Didn't tell me what**
14 **it was.**
15 **Q. Do you know what he was referring**
16 **to?**
17 **A. No.**
18 **Q. Do you recall if there was a**
19 **change at or about that time when he made**
20 **the statement to you?**
21 **A. No.**
22 **Q. Do you recall if you said anything**
23 **to him?**
24 **A. I don't remember. I'm sure I**
25 **COMPU-TRAN SHORTHAND REPORTING**

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- 1 **said something back to him, but I don't**
2 **recall what it was.**
3 **Q. Do the corrections officers have a**
4 **contract?**
5 **A. We have an expired contract.**
6 **We're out one year.**
7 **Q. And you're operating that under**
8 **the terms of an existing contract?**
9 **A. Yes.**
10 **Q. Who is that contract with?**
11 **A. Putnam County.**
12 **Q. Does the contract say anything**
13 **with respect to who is considered to be the**
14 **employer?**
15 **A. I don't recall exactly who it**
16 **does say.**
17 **Q. Do you recall if the contract says**
18 **anything about Putnam County and the sheriff**
19 **being joint employers?**
20 **A. It makes me a bad president. I**
21 **don't remember if it's in there or not.**
22 **Q. Do you know who signed the**
23 **contract?**
24 **A. The most recent one?**
25 **COMPU-TRAN SHORTHAND REPORTING**

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Q. Yes.

A. Yes.

Q. Who?

A. I did, County Executive Robert Bondi, B O N D I, Sheriff Smith and I believe it was Paul Eldridge.

Q. Who is part of that bargaining unit in terms of rank?

A. Correction officers, sergeants, clerical workers, cooks and dispatchers.

Q. Do the lieutenants and the captains have a contract as far as you know?

A. I believe they have -- they're management.

Q. Did you ever see Exhibit 2 or any part of it before today?

A. I recognize it as -- looks like copies of pages from our red books.

Q. Do you recall when if at all you received that specific portion which I marked as Exhibit 2?

A. I received my red books the day I was hired.

Q. Did you ever receive any updates
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to it?

A. We periodically get updates, yes.

Q. Do you recall if Exhibit 2 was given to you on the date of hire or if it was in the form of an update?

A. I don't recall.

Q. The first page at the bottom which is Section 15-2, letter A, "booking officer will," do you see that?

A. Uh-huh.

Q. You have to say yes or no?

A. Yes.

Q. And then it has a number of things that the booking officer is supposed to do. If you go to the second page at the bottom right, it says 75. "Letter B, administration of Suicide Prevention Screening Guideline for -- supposed to be form -- 330-ADM;" do you see that?

A. Yes.

Q. The form that Putnam County uses is not the 330-ADM, are you aware of that?

A. I knew it was the SOJ form, yes.

Q. Have you actually seen the 330-ADM

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ROBERT WENDOVER

which I marked as Exhibit 1?

A. Yes.

Q. Do you recall under what circumstances you saw this?

A. When I was in the corrections academy.

Q. Would that have been sometime right before your hire or after your hire?

A. After my hire.

Q. How long did you spend at the corrections academy?

A. Three weeks.

Q. Is that in Albany?

A. No. That was in Dutchess County.

Q. What, if anything, were you told about the Suicide Prevention Screening Guidelines, Form ADM-330?

A. I honestly don't recall the specifics. I know -- I believe it was shown to us. I can't give you an honest answer whether Dutchess used the same one. They're the ones that showed it to me.

Q. Did you attend the Dutchess County Corrections Academy as part of your

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employment or by reason of your hire by Putnam County?

A. Yes.

Q. Do you recall if when you were shown the form by that correction academy, if the bottom section under the action part where it says, in substance, if eight -- "if the score is eight or higher or a shaded box is checked, notify supervisor immediately and institute constant watch"?

A. I couldn't be accurate and say it was definitely there at that time, no.

Q. Do you recall if anybody ever gave you any instruction or training that the New York State Commission of Correction which is noted at the top right of the form Exhibit 1, if they required constant watch when a score of eight or higher was contained on a Suicide Screening Prevention form?

A. I don't recall their exact training. I remember the training, but I don't remember their specific words or what they told us and stuff.

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1 **Q.** In any of the training that you
2 attended, did anybody ever tell you about
3 the commissions minimum standards or their
4 regulations requiring constant watch for
5 somebody who scores eight or higher?

6 **A. I don't recall ever hearing that.**

7 **Q.** Do you recall hearing that the
8 State Commission requires or suggests that
9 constant watch be implemented if any shaded
10 box is checked?

11 **A. No.**

12 **Q.** With respect to the regulations
13 which refer -- Exhibit 2 refers to the
14 ADM-330. Did you ever ask anybody why the
15 form that Putnam County uses is different?

16 **A. No.**

17 **Q.** Did anybody ever speak with you
18 about that?

19 **A. No.**

20 **Q.** Did you ever receive any training
21 on that?

22 **A. On?**

23 **Q.** On the difference in the form that
24 Putnam County chose to use?

25 **COMPU-TRAN SHORTHAND REPORTING**

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ROBERT WENDOVER

1 **A. No.**

2 **Q.** The second page which says page 75
3 at the bottom right of Exhibit 2, No. 3,
4 "Immediately notify the tour supervisor
5 whenever a prisoner scores in the high-risk
6 score of eight in column A or immediate
7 referral categories on the Suicide
8 Prevention Screening Form;" do you see that?

9 **A. Yes.**

10 **Q.** Do you recall for how long that's
11 been a policy at Putnam County?

12 **A. No, I don't.**

13 **Q.** Do you know if that was added
14 after May 20, 2006?

15 **A. The last question, did you mean**
16 **do I recall if it's been a policy here or in**
17 **general?**

18 **Q.** In Putnam, I mean.

19 **A. Since I've been there, that's**
20 **been a policy that you would notify the**
21 **sergeant if somebody is scoring either a**
22 **shaded box or high number, yes.**

23 **Q.** So the change to the policy is
24 that the sergeant now actually reviews the
25

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ROBERT WENDOVER

1 form?

2 **A. They actually review the form and**
3 **signed it.**

4 **Q.** And they actually sign the form?

5 **A. Yes.**

6 **Q.** And they're required to review the
7 form in all cases, even if an inmate scores
8 lower than eight; correct?

9 **A. Yes.**

10 **Q.** Or if no shaded box is checked?

11 **A. Yes.**

12 **Q.** In terms of the practice in Putnam
13 County, your experience as the booking
14 officer, when you notify a tour supervisor
15 before May 20, 2006 that an inmate had a
16 score of eight or higher or shaded box was
17 checked, was that done verbally or in
18 writing?

19 **A. We notify the supervisor**
20 **verbally.**

21 **Q.** Is there any documentation that
22 the supervisor sees again prior to May 20,
23 2006?

24 **A. We do -- if they were put on a**
25 **COMPU-TRAN SHORTHAND REPORTING**

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ROBERT WENDOVER

1 **constant watch or 15-minute watch, we would**
2 **type up a P-1 and it would -- we have a book**
3 **down in the briefing office. A copy goes**
4 **there and a copy goes to the block where the**
5 **inmate will be housed.**

6 **Q.** Does a copy go to the sergeant as
7 well?

8 **A. No. The sergeant's responsible**
9 **for checking P-1 books as well as with**
10 **everyone else.**

11 **Q.** What are the P-1 books, the
12 briefing books?

13 **A. It's a book where you keep all**
14 **the forms and you go through them and see**
15 **any changes, any new admissions that might**
16 **be on a 15 or constant watch, the papers are**
17 **in there.**

18 **Q.** Where is the P-1 book kept?

19 **A. In the briefing room.**

20 **Q.** When are the sergeants and C.O.s
21 required to check that book?

22 **A. Every day when they come in.**

23 **Q.** As part of your coming on duty,
24 are you given the verbal briefing by the
25

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ROBERT WENDOVER

1 tour supervisor?

2 **A. By the previous tour supervisor**
3 **and the oncoming supervisor.**

4 **Q.** As part of those briefings as a
5 matter of practice, are you advised when
6 somebody is on a 15 minute or constant
7 watch?

8 **A. Yes.**

9 **Q.** Then do you also check the P-1
10 book that's in the briefing room?

11 **A. Yes.**

12 **Q.** In terms of the P-1 that you say
13 is done when somebody is placed on a 15
14 minute or constant watch, are you supposed
15 to put in that P-1 the reason for the
16 heightened level of supervision?

17 **A. Yes.**

18 **Q.** How much specifics are you
19 supposed to give?

20 **A. You're limited with HIPAA law, so**
21 **really narrows it down to answers given on**
22 **the booking or during the booking process.**

23 **Q.** Back to Exhibit 2, the Putnam
24 County regulations, same page, second page

25 *COMPU-TRAN SHORTHAND REPORTING*

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ROBERT WENDOVER

1 75 at the bottom right. No. 4, "All such
2 notifications will be completed by
3 forwarding a copy of the prisoner's
4 screening form to the tour supervisor prior
5 to cell assignment."

6 **A. Okay.**

7 **Q.** Your testimony earlier seemed to
8 indicate to me in practice that's only been
9 done since May 20, 2006; is that fair to
10 say?

11 **A. They look at the original.**

12 **Q.** Since May 20, 2006?

13 **A. Yes.**

14 **Q.** Is there any practice as far as
15 you know of giving the tour supervisor a
16 copy of the screening form?

17 **A. No.**

18 **Q.** Ever in your employment?

19 **A. Not that I recall, no.**

20 **Q.** In terms of notifying the
21 supervisor when a prisoner scores eight or
22 higher or a shaded box is checked, are you
23 familiar with any policies or procedures as
24 to when that notification has to be given to
25

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ROBERT WENDOVER

1 the supervisor?

2 **A. I believe it was notify**
3 **immediately upon completion.**

4 **Q.** Was that true before May 20, '06
5 as well?

6 **A. Yes.**

7 **Q.** When you notified the supervisor
8 of those scores, is that then occurring
9 before the inmate is placed in his or her
10 housing unit?

11 **A. Yes.**

12 **Q.** Do you recall if you were working
13 at the facility at any point in time when
14 Spencer Sinkov was an inmate there?

15 **A. Yes.**

16 **Q.** Do you recall what, if any,
17 position you had that day?

18 **A. I was booking officer.**

19 **Q.** Did you have any role in Spencer's
20 intake or booking?

21 **A. No.**

22 **Q.** Was it your understanding that he
23 came into the facility the evening before or
24 the night before you came on shift?

25 *COMPU-TRAN SHORTHAND REPORTING*

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ROBERT WENDOVER

1 **A. Yes.**

2 **Q.** So when you reported to duty on or
3 about May 20, 2006, did you go to a
4 briefing?

5 **A. Yes.**

6 **Q.** Do you recall who conducted the
7 briefing?

8 **A. I believe it was Sergeant LaPolla**
9 **and Sergeant Jackson.**

10 **Q.** And LaPolla was going off duty?

11 **A. Yes.**

12 **Q.** Jackson was coming on duty?

13 **A. Yes.**

14 **Q.** Do they conduct the briefing at
15 the same time or does one brief you and then
16 the other one steps in?

17 **A. It varies.**

18 **Q.** Were they both in the room at the
19 same time this day, if you can recall?

20 **A. I don't -- they're usually both**
21 **in the room.**

22 **Q.** What, if anything, do you recall
23 LaPolla saying about Spencer?

24 **A. I don't recall with any**
25

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ROBERT WENDOVER**certainty.**

Q. Do you recall anything in substance that Jackson said about Spencer?

A. No.

Q. Do you recall if you reviewed the P-1 book that day?

A. I'm sure I did. I usually do it every day.

Q. Do you recall if you saw anything in there about Spencer?

A. I recall there was a memo that he was on a 15-minute watch, yes.

Q. Do you recall if either sergeant or both briefed the officers coming in for duty that day about Spencer being on a 15-minute watch?

A. Specifically, I don't remember, no.

Q. Do you recall if anybody said anything about Spencer having any addiction or withdrawal issues?

A. During briefing?

Q. Yes.

A. I don't recall that.

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ROBERT WENDOVER

Q. Let me show you what was marked as Exhibit 4. Is that the P-1 you saw that day when you came on duty?

A. No. Absolutely not -- I'm absolutely not certain, but it looks like it.

Q. To your best recollection --

A. Yes.

Q. -- that was in the briefing book?

A. Yes.

Q. When did you review it, before you went to your post?

A. Yes.

Q. Did you ever see the completed suicide screening form for Spencer which was marked as Exhibit 3?

A. No.

Q. In terms of the form itself, there's a section for mental health referral; do you see that?

A. Yes.

Q. Who's responsible for completing that?

A. That could be the officer or the

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sergeant, medical.

Q. It could be any of those people?

A. Yes.

Q. What is that portion used for?

A. It's used if you think they need to see a psychiatrist or psychologist.

Q. Is there a psychiatrist or psychologist on staff at the facility?

A. Yes.

Q. How often are they there?

A. Now, I believe he's full-time.

Q. Since when?

A. Just recently, actually.

Q. Within the last year?

A. Within the last couple of weeks.

Q. Prior to say December 1, '07, how often was the psychiatrist or mental health worker in the facility?

A. The psychiatrist was pretty much on call. We called him and he came.

Q. Who was it?

A. I don't know his last name. It was Eugene. He's a psychiatrist, Dr. Haseef (ph).

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Q. Who could call the psychologist to come?

A. The medical department.

Q. Did the booking officer or any other correction officer have the ability to do that?

A. I don't know.

Q. Did you ever have occasion to call the psychologist?

A. No.

Q. In terms of the mental health referral section, it has a space to check yes or no in terms of whether the inmate was being referred to mental health and whether it was an emergency or non-emergency; correct?

A. Yes.

Q. Were you ever trained in any way about when as a booking officer you should make a mental health referral?

A. As a book officer, no. As a correction officer, yes. If they requested it, you make a referral. If you thought there was something odd or different, you

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ROBERT WENDOVER**would make the request.**

Q. When you say they requested it, you mean the inmate?

A. **The inmate, yes.**

Q. How about as part of the intake process, did anybody ever train you or instruct you as to when you should make a referral to mental health based on, for example, the results of the Suicide Screening Guidelines or anything else?

A. **I don't recall. The medical department used to handle most of it on the intake.**

Q. In terms of the intake process in your experience, is there any interaction between the incoming inmate and the medical staff?

A. **Yes. They come over and interview them.**

Q. Anything else that you observed the medical staff do as part of the booking or intake process?

A. **Vital signs. Just vital signs and interview.**

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Q. For how long have those things been done by medical? Your entire time or something else?

A. **Since we've had full-time medical, yes.**

Q. When was that?

A. **I don't remember the exact date. I want to say some time in 2003.**

Q. Is that when Americor came into the facility?

A. **I believe so, yes.**

Q. Are you familiar with any policies or procedures with respect to what medical is supposed to do during intake?

A. **No.**

Q. In terms of the mental health referral, were you ever instructed or trained that if someone scored eight or higher or a shaded box was checked on the Suicide Screening Guidelines, that a mental health referral should be made?

A. **I honestly don't recall.**

Q. With respect to medical during the intake process, do you confer with them in

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ROBERT WENDOVER

any way about the level of supervision to be instituted on a new inmate?

A. **Yes.**

Q. Is that the practice the entire time you've been employed there, or did that come about at some point?

A. **As long as I was a booking officer.**

Q. What is the purpose of conferring with medical?

A. **Most of the time, it was a medical issue.**

Q. A physical medical issue?

A. **Yes.**

Q. So would you bring it to the medical staff's attention?

A. **If they had a physical issue?**

Q. **Yes.**

A. **Yes.**

Q. How about with respect to the Suicide Screening Prevention Guidelines, in your experience or in practice, is the booking officer required to consult with the medical staff about the results of that

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form?

A. **No.**

Q. Other than reviewing the P-1 that was in the briefing book on the morning of May 20, 2006, did you have any conversations with anybody about Spencer Sinkov prior to the time that he had received a visit?

A. **Not that I recall.**

Q. Do you recall that there did come a point in time when he received a visit?

A. **Yes.**

Q. How were you notified of that?

A. **Either radio or by phone. I believe I overheard the main control officer announcing that there was an initial visit for him on the radio.**

Q. What, if anything, did you do at that point?

A. **I believe at that point, an escort officer was doing outdoor exercise, so I notified the block and the sergeant that I would initiate the visit.**

Q. Who was at the block?

A. **Officer Mike Oliver.**

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ROBERT WENDOVER**Q.** Who was the sergeant?**A.** **Sergeant Jackson.****Q.** Did either of them say anything to you about that?**A.** **I'm sure they acknowledged that I was doing it but nothing specific pops up.****Q.** What did you do from there?**A.** **I believe at that point, I went down to North Housing Unit where he was housed and picked him up.****Q.** Did you have any conversation with Spencer at that time?**A.** **Small talk. Nothing specific.****Q.** Anything that you can recall?**A.** **Not really.****Q.** Do you recall anything about his appearance?**A.** **His physical appearance?****Q.** Yes.**A.** **I remember what he looked like.****Q.** You do?**A.** **Yeah.****Q.** Do you remember anything about his height and weight?

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ROBERT WENDOVER**A.** **Maybe 5' 7", 130 pounds. Long blond hair.****Q.** Anything else that you can recall about him? Do you recall what he was wearing, for example?**A.** **He had jail-issued clothing on.****Q.** Do you recall what it was?**A.** **It would be the brown pants, brown shirt.****Q.** Do you recall if he had a sweatshirt on?**A.** **I don't recall if he was wearing it. The brown shirts have to be worn on the outside.****Q.** Are the brown shirts long sleeve or short sleeve?**A.** **Short sleeve.****Q.** What colors are the sweatshirt?**A.** **Gray.****Q.** Do you recall if there was a gray sweatshirt underneath?**A.** **I don't recall.****Q.** Anything else that you can recall about that initial meeting with Spencer,

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ROBERT WENDOVER

anything that he said, anything that you said, anything about his appearance?

A. **He seemed fine.****Q.** Did you have any conversation with him as to how he was feeling?**A.** **I don't recall anything specific, no.****Q.** Did you then escort him to the visit room --**A.** **Yes.****Q.** -- or area?**A.** **Yes.****Q.** Prior to getting to the visitation area, did you speak with anybody, any correction officers, sergeant, anybody about Spencer?**A.** **Just when they transferred custody of him, I spoke to Officer Oliver briefly.****Q.** What did you say to him and what did he say?**A.** **I was taking him to the visit, and I'd call him when he was done.****Q.** Anything that you said to Spencer

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or Spencer said to you before you got to the visitation area?

A. **No.****Q.** What happened when you got down to the visitation area?**A.** **There was three individuals in there; two males, one female. I believe it was his mother, father and brother. He was told to sit down in the area in front of them. And that they could have no physical contact. And they had 15 minutes.****Q.** Did anybody say anything to you?**A.** **When we first went in?****Q.** At any point.**A.** **Other than hello, no.****Q.** Did anybody speak with you at all during the 15-minute visit?**A.** **The only thing they may have asked me about the classification process.****Q.** Do you recall who asked you about that?

MR. KLEINBERG: Objection.

A. **No, I don't.****Q.** Do you have any recollection as to

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ROBERT WENDOVER

1 what you said?

2 **A. I have a standard answer with**
 3 **that. It's three to five business days.**

4 **Q. What happens after someone is**
 5 **classified?**

6 **A. They're -- depending on their**
 7 **classification, they're either put in**
 8 **administrative segregation or general**
 9 **population.**

10 **Q. What, if anything, -- withdrawn.**

11 **What, if any, restrictions are on**
 12 **an inmate prior to classification?**

13 **A. The only restrictions is they're**
 14 **not allowed phone calls. They're locked in**
 15 **their cell for 24 hours. No TV. No media**
 16 **of any kind. That's pretty much the only**
 17 **restrictions.**

18 **Q. In terms of medical review, are**
 19 **you aware of whether within a certain amount**
 20 **of time, inmates are evaluated by medical**
 21 **staff?**

22 **A. I know they are. I don't know of**
 23 **any time limit or time frame.**

24 **Q. Do you know if they have to be**
 25 **COMPU-TRAN SHORTHAND REPORTING**

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1 classified before medical will see them?

2 **A. Absolutely not.**

3 **Q. Did you ever tell anybody that?**

4 **A. No. I would never tell anybody**
 5 **that.**

6 **Q. To the left of me, your right, is**
 7 **Mr. Donny Sinkov. Do you recall seeing him**
 8 **the day that Spencer had a visit?**

9 **A. Yes.**

10 **Q. Do you recall if he asked you**
 11 **about classification?**

12 **A. I don't recall who asked me.**

13 **Q. Do you recall any conversation**
 14 **that you had with Donny Sinkov, any**
 15 **statements he made or any statements you**
 16 **made?**

17 **A. The only thing I remember saying**
 18 **is about the three to five business days.**

19 **Q. Anything else?**

20 **A. No.**

21 **Q. Anything that you can recall Donny**
 22 **specifically saying to you?**

23 **A. To me, no.**

24 **Q. Do you recall during the visit,**
 25

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ROBERT WENDOVER

1 were you within earshot of the people there,
 2 Spencer and the other three?

3 **A. Yeah. I was about eight feet**
 4 **away.**

5 **Q. Did you hear anything that was**
 6 **being said?**

7 **A. Some of the stuff, yes.**

8 **Q. What do you recall?**

9 **A. I remember them talking about an**
 10 **attorney. They were going to look to hire**
 11 **one, but he had said Legal Aid would take**
 12 **care of him.**

13 **I recall, I believe it was his**
 14 **father, told him to cooperate with the**
 15 **police and give up any names and information**
 16 **they needed.**

17 **He laughed and joked around with**
 18 **the younger male, which I believe was his**
 19 **brother.**

20 **Q. Do you recall anything that he**
 21 **said?**

22 **A. No. I couldn't hear everything**
 23 **they were saying. I'm not there to listen**
 24 **to what they're saying.**

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1 **Q. Do you recall hearing the younger**
 2 **brother say anything?**

3 **A. Just laughing. One of the**
 4 **parents made a statement that it's not a**
 5 **joke, but there was -- there were times when**
 6 **they got quiet, which they're entitled to.**

7 **Q. Anything else that you can recall**
 8 **anybody saying?**

9 **A. Not right at this time, no.**

10 **Q. Do you recall anything being said**
 11 **about drugs or withdrawal from drugs?**

12 **A. Yes, I'm sorry. His father asked**
 13 **him if he was withdrawing. If he did any**
 14 **drugs last night and if he was withdrawing.**

15 **Q. Did Spencer respond?**

16 **A. Yes. He said yes, I did, and I'm**
 17 **not too bad right now.**

18 **Q. Do you know for how long Spencer**
 19 **had been in the facility as of the time of**
 20 **that visit?**

21 **A. I don't remember the exact time.**
 22 **Definitely within 24 hours.**

23 **Q. Did you ever receive any training**
 24 **with respect to drug use at this point and**
 25

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ROBERT WENDOVER

1 withdrawal from drug usage in terms of when
2 symptoms typically appear?

3 **A. I don't recall anything right**
4 **now.**

5 **Q.** Did anybody ever train you or
6 advise you in words or substance that when
7 somebody is withdrawing from opiates, such
8 as heroin, symptoms typically do not peak
9 for 48 hours?

10 **A. I don't remember any specifics.**

11 **Q.** Anything else that you heard
12 anybody saying during the visits?

13 **A. No, I don't recall anything else.**

14 **Q.** Do you recall at any point in time
15 Donny Sinkov asking you about availability
16 of any kind of detox or medication for
17 withdrawal?

18 **A. No.**

19 **Q.** Do you recall him mentioning
20 methadone at any point in time?

21 **A. No.**

22 **Q.** Did you say anything to him about
23 medical?

24 **A. Not that I recall, no.**

25 **COMPU-TRAN SHORTHAND REPORTING**

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1 **Q.** Was anybody else present at any
2 point during the visit other than yourself
3 and the four members of the Sinkov family?

4 **A. Not that I can think of.**
5 **Sometimes people pop in the door but nobody**
6 **in an official status was in there.**

7 **Q.** Do you recall if Sergeant Jackson
8 was present at any time?

9 **A. It's possible she popped in. She**
10 **usually checks on things pretty early.**

11 **Q.** Do you recall one way or another?

12 **A. No.**

13 **Q.** Anything else that you can recall
14 being said during the visit?

15 **A. The only other thing I recall**
16 **being said is from me, unfortunately, when I**
17 **said -- when they were leaving, don't worry.**
18 **We'll take care of him.**

19 **Q.** Who did you say that to?

20 **A. To the parents.**

21 **Q.** Anything else that you can recall
22 anybody saying?

23 **A. No.**

24 **Q.** How did the visit end?

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1 **A. They said good-bye to each other.**
2 **And they go to one end of the room where**
3 **there's a door. And I call in the radio to**
4 **have the door open. And I take the inmate**
5 **out into the hallway and back down to the**
6 **unit.**

7 **Q.** Do you recall where you took
8 Spencer from there?

9 **A. He was going back down to north,**
10 **but at that point, we stopped at medical**
11 **because medical wanted to see him.**

12 **Q.** Who was in medical at that time?

13 **A. Susan. It's a nurse. I can't**
14 **think of her last name.**

15 **Q.** Do you recall if it was Susan
16 Waters?

17 **A. Yes.**

18 **Q.** How did you know that medical
19 wanted to see Spencer at that time?

20 **A. That's where I met Officer**
21 **Oliver. He told me he was going to meet me**
22 **there because medical had to see him.**

23 **Q.** When did he tell you that, when
24 you indicated you were on your way back?

25 **COMPU-TRAN SHORTHAND REPORTING**

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1 **A. Yes.**

2 **Q.** Was that via radio?

3 **A. Yes.**

4 **Q.** Did Oliver meet you then at
5 medical?

6 **A. Yes.**

7 **Q.** What happened -- withdrawn.

8 **On your way from visitation to**
9 **medical, did you have any conversation with**
10 **Spencer?**

11 **A. No.**

12 **Q.** What happened when you got to
13 medical?

14 **A. I handed custody over to Officer**
15 **Oliver. They joked a little about him**
16 **looking like some singer in a rock band,**
17 **actually.**

18 **Q.** How long did you stay there?

19 **A. About maybe 10, 15 seconds. I**
20 **had other things I had to do.**

21 **Q.** Anything else you can recall
22 anybody saying - Spencer, yourself or
23 Oliver?

24 **A. I know they both talked a little**
25

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ROBERT WENDOVER

about the rock band. I don't listen to that music, so I don't have any idea what they were even talking about.

Q. Do you recall if Susan Waters was present at any point in time when you were there?

A. She was in the infirmary, yes.

Q. Did you see her have any interaction with Spencer or hear her have any interactions with him?

A. As I was leaving, I remember her calling him to come into the infirmary.

Q. Did you see Spencer go in?

A. No. My back was to him. I was walking away.

Q. Do you have any understanding as to why she wanted to see him?

A. No, I don't.

Q. Was anything said in your presence at any point in time about Spencer's hair?

A. I believe that's what the inference was, the way he looked like a member of a band.

Q. Did you hear anybody say anything

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about whether or not or about any mistaken belief that Spencer was a female, a girl?

A. No.

Q. Did Susan Waters when she called Spencer into the infirmary, call him by name? Did she call him Inmate Sinkov, something else?

A. Mr. Sinkov. That's the way she responds to people.

Q. Anything else that you observed outside of medical?

A. Not that I can recall.

Q. Did you have any communications with anybody about Spencer or with Spencer at any point in time prior to him committing suicide?

A. Just with the sergeant telling her the visit was over.

Q. So you reported that to Sergeant Jackson?

A. Yes.

Q. When you reported that to Sergeant Jackson, did you tell her anything about the visit?

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A. Not that I can recall, no.

Q. Did she say anything about having witnessed any part of the visit?

A. Not that I recall, no.

Q. Did she say anything to you at all about the visit? Ask you how it went or anything to that effect?

A. I don't recall anything, no.

Q. Did you ever speak with Oliver about the visit?

A. No.

Q. Did you ever tell him how it went or anything that occurred during the visit?

A. No.

Q. Did Oliver ask you?

A. No, I don't think so.

Q. Did you ever tell anybody what you heard during the visit about Spencer indicating that in terms of withdrawing from drugs, it was not too bad right now?

A. Not previous to the suicide, no.

Q. In connection with the visitation, are you required to make any record or document in any way when that visit

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occurred?

A. Not that I know of.

Q. Is there any log or anything kept of visitors?

A. Visitors usually sign in when they come in the lobby.

Q. How about the correction officers, are they required to write anything down?

A. Not that I'm aware of.

MS. BERG: I'm going to have marked as Exhibit 20, a copy of an Inmate Visitation Schedule, and a second page is a Visitor's Registration.

(Whereupon, Plaintiff's Exhibit 20, INMATE VISITATION SCHEDULE AND VISITOR'S REGISTRATION, was marked for identification.)

Q. Take a look at the first page of Exhibit 20. Have you ever seen that form?

A. Yes.

Q. What is that?

A. This is a visitation log. I misunderstood your question. I thought you meant when they come in for 15. When it's regular visits, it's my understanding every

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ROBERT WENDOVER

visit is logged here. I didn't know they logged in the initial visits, also.

Q. Do you know of any policies or practices in Putnam County to log in the initial visits?

A. Not that I'm aware of, no.

Q. Did you log in, in any way, shape or form, the initial visit that Spencer had on May 20th?

A. Not that I remember, no.

Q. Just the form itself, the top right has "week of" and then there's a line and handwritten date; do you see that?

A. Yes.

Q. 5/20 to 26?

A. Yes.

Q. Is that something that's kept at the visitation area for that week?

A. Yeah. I believe it is.

Q. In terms of the form, are all the inmates' names written in the left-hand column as shown here?

A. Yes.

Q. Is the C.O., the correction

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officer required to fill in the date and time of first visit with his or her initial and second visit, et cetera?

A. I believe that's the way they do it. I never work visits so I don't know.

Q. Other than on this occasion where you've had to escort people for a visit, have you ever worked in that area?

A. No. There's certain officers that are assigned there.

Q. Did you ever perform the visitation duties that you had on May 20, 2006 on any other occasions?

A. Yeah. Occasionally, we do, yes.

Q. Did you ever complete the Inmate Visitation Schedule in connection with those other occasions?

A. No.

Q. In terms of the Inmate Visitation Schedule on the top, out of alphabetical order is Sinkov under inmate's name; do you see that?

A. Yes.

Q. Then there's the word initial

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under the column, date, time, first visit; do you see that?

A. Yes.

Q. Then it says C.O. initials. It looks like 5/20 and signature which appears to start with sergeant, but I'm not entirely clear. Do you recognize that handwriting?

A. Yes.

Q. Whose is that?

A. Sergeant Jackson.

Q. Do you have any understanding as to why Sergeant Jackson noted this?

A. She obviously knew something I didn't.

Q. In terms of it being the week of 5/20 to -- 5/22 to 26 but the date being May 20th, any understanding when Sergeant Jackson put that note on this log?

A. No.

Q. Did you ever speak with her about whether or not you were supposed to create an entry for Sinkov?

A. No.

Q. Did she ever counsel you in any

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way for your failure to create such an entry?

A. No.

Q. The second page, Visitor Registration Form, do you have any responsibility with respect to that?

A. This is just a paper they sign out in the lobby.

Q. Do you have any responsibility for overseeing that in any way?

A. No. Somebody checks them in once they sign in.

Q. Do you have to do that at all?

A. That wasn't my responsibility, no.

Q. At some point in time, were you notified via radio or something else about needing assistance in North Housing Unit?

A. Not personally notified but a call came out for all officers available.

Q. Is that over the radio or something else?

A. Over the radio.

Q. Do you recall when that call came

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ROBERT WENDOVER

1 out on May 20, 2006?

2 **A. Not specifically.**

3 **Q.** Do you have any records that you
4 can refer to that would indicate to you the
5 time of that call?

6 **A. I don't have any with me.**

7 **Q.** What would indicate?

8 **A. I had given a statement to BCI.**

9 **Q.** Anything else?

10 **A. I had also given a statement to**
11 **Commission of Corrections, but I never got**
12 **anything from them.**

13 **Q.** In terms of the statements to the
14 Commission of Corrections, was that verbal
15 or written?

16 **A. Verbal.**

17 **Q.** And the statement to BCI?

18 **A. Verbal.**

19 **Q.** Did you give a written statement
20 at any point?

21 **A. It was verbal and writing. They**
22 **basically questioned me, and we put it on**
23 **paper and I signed it.**

24 **Q.** When you were questioned by the
25 **COMPU-TRAN SHORTHAND REPORTING**

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1 BCI, were you given any documents to look at
2 or review?

3 **A. No.**

4 **Q.** In terms of timing or anything
5 else?

6 **A. No.**

7 **Q.** What happened when you arrived at
8 the North Housing Unit that day?

9 **A. When I arrived, I responded to**
10 **the cell area. And I noticed Mr. Sinkov was**
11 **hanging from the bars by a sweatshirt.**

12 **Q.** Was anybody else at the cell area
13 at that time?

14 **A. Officer Oliver was there. There**
15 **was a lot of people there. I don't remember**
16 **the actual time frame as to when they were**
17 **there. Nurse Waters might have been there.**

18 **Q.** Other than observing Spencer
19 Sinkov hanging from his sweatshirt, what, if
20 anything, else did you observe when you
21 first arrived?

22 **A. That was it really.**

23 **Q.** What happened after you arrived?

24 **A. Other people just started**
25

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1 **arriving. Somebody -- I don't recall who it**
2 **was -- got a pair of scissors because they**
3 **had to cut the sweatshirt because it was**
4 **tied through the door so we couldn't open**
5 **the door.**

6 **Q.** Meaning the cell door?

7 **A. Yes.**

8 **Q.** So, was the sweatshirt cut from
9 the outside?

10 **A. Yes.**

11 **Q.** Do you know who did that?

12 **A. I think it was Officer Oliver.**

13 **Q.** Do you recall Oliver entering the
14 cell and cutting the sweatshirt from inside?

15 **A. No. I'm almost positive the door**
16 **was tied shut, so there was no way to get in**
17 **there without cutting it.**

18 **Q.** Do you recall who got the scissor?

19 **A. No.**

20 **Q.** After Correction Officer Oliver
21 cut the sweatshirt from the outside of the
22 cell, what happened?

23 **A. We got the door open and the**
24 **nurse went in. I believe that's when she**
25 **COMPU-TRAN SHORTHAND REPORTING**

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1 **started CPR.**

2 **Q.** Are you familiar with any policies
3 or protocol regarding providing CPR as to
4 who's supposed to do that?

5 **A. I believe it's just a qualified**
6 **individual.**

7 **Q.** Have you been trained?

8 **A. Yes.**

9 **Q.** Do you have any understanding as
10 to why in this case a medical person
11 provided CPR as opposed to a correction
12 officer?

13 **A. I believe just because she was**
14 **there.**

15 **Q.** Did anyone assist her as far as
16 you can recall?

17 **A. Officer Bartley.**

18 **Q.** Are you familiar with any policy
19 or protocol regarding stopping CPR?

20 **A. Yes.**

21 **Q.** What are you familiar with?

22 **A. I don't remember who has the**
23 **authority, but I believe it's the medical**
24 **director is the only one that has authority**
25 **COMPU-TRAN SHORTHAND REPORTING**

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1 to stop it.

2 Q. Who's the medical director?

3 A. I believe it's the hospital, a
4 doctor at the hospital.

5 Q. How is it that a doctor at a
6 hospital stops CPR going on in the jail?

7 A. I don't know the exact protocol
8 for it.

9 Q. At any point in time while you
10 were in the cell area, was CPR stopped?

11 A. I believe I had left the area and
12 came back and it was stopped while I was
13 gone.

14 Q. Where did you go when you left the
15 area?

16 A. I think that's when I went to get
17 the BVM.

18 Q. What's that?

19 A. Breathing -- to help him breathe.

20 Q. Why did you go to get that?

21 A. Either Officer Bartley or the
22 nurse asked me to go get it.

23 Q. Where is that kept?

24 A. By the desk in North Housing.

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1 Q. When you came back, had CPR
2 stopped?

3 A. I honestly don't recall when it
4 had stopped, the time frame.

5 Q. You believe it stopped earlier
6 when you left the area?

7 A. I think it was, yes.

8 Q. That would have been when you went
9 to get the BVM?

10 A. Yes. It's not with 100 percent
11 certainty.

12 Q. Prior to leaving the area to go
13 get the BVM, anything else that you observed
14 people doing?

15 A. I think Officer Bartley had
16 oxygen on him.

17 Q. Anything else?

18 A. A lot of people scrambling
19 around, trying to do whatever they could,
20 but nothing sticks out.

21 Q. Where was Oliver during this time?

22 A. I don't recall. He was pretty
23 shook up.

24 Q. Did you have any conversations

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1 with anybody?

2 A. Just BCI.

3 Q. Before you left to get the BVM?

4 A. Just people telling me what to
5 do, go get the BVM.

6 Q. When you got back to the cell area
7 after getting the BVM, what happened?

8 A. At some point, they -- when
9 everything was stopped, that's when BCI
10 showed up. There was an inmate in a cell to
11 the left of him. They asked me to remove
12 that inmate and put him in a different area.
13 After doing that, I pretty much waited in a
14 hallway. And after that, I went back up to
15 the booking room because I had other duties
16 I had to do.

17 Q. Did you have any conversations
18 with anybody before you went to the booking
19 room other than what you've told us here
20 today?

21 A. I don't think so.

22 Q. Did you ever speak with Oliver at
23 all about anything concerning his
24 observations of Spencer either before or
25

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1 after May 20th?

2 A. Yeah. After, I definitely have,
3 yeah.

4 Q. What did you say to him, and what
5 did he say to you?

6 A. Basically, it was a shock. He
7 showed no signs. Never in a million years
8 would you think he would have done.

9 Q. That's what Oliver said to you?

10 A. Yeah.

11 Q. Did you say anything in response?

12 A. It's pretty much the same thing.
13 It was back and forth mutual.

14 Q. Now that you've seen that he
15 scored ten on the suicide screening and
16 three of the shaded columns were checked,
17 would that have changed your opinion on
18 whether or not his conduct, Spencer's
19 conduct was a shock?

20 MR. RANDAZZO: Objection to
21 the form.

22 MR. KLEINBERG: Objection.

23 MR. RANDAZZO: You can

24 answer.

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A. Would that have changed my opinion on his conduct?

Q. Yes.

A. From what I physically saw of him, I still wouldn't have thought he would have done it.

Q. Anything else that you said to Oliver or Oliver said to you?

A. Not that I recall.

Q. And your interactions with Spencer Sinkov consisted of the escort to the visitation room, his interactions with his family room during the visit that you can hear and/or see and your escort of him back?

A. Yes.

Q. Was that a total of maybe 20 minutes?

A. Maybe a little less. Around 20 minutes.

Q. Did Oliver ever say to you what Spencer was doing during the time he was in North Housing Unit?

A. Not that I recall.

Q. Anything about his appearance?

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A. After the fact, he talked when they were joking around about the rock star thing. That he was -- he laughed about it. Kind of felt honored, I guess, that somebody would think that of him. Other than that, nothing really.

Q. Did Oliver say anything about whether or not he was performing supervisory checks on Spencer?

A. Never said anything to me about it.

Q. Did you ever have any conversations with Correction Officer Vasaturo about Spencer Sinkov or the events of May 20?

A. Just the brief stuff I mentioned in the beginning.

Q. How about Sergeant Jackson, any conversations with her?

A. Just brief things. Nothing specific.

Q. Anything you can recall as you sit here now?

A. I had a brother commit suicide,

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so it hit me harder than most people there. And more or less talked about stuff like that.

Q. Anything related to Spencer that you discussed with Sergeant Jackson?

A. Not that I recall.

Q. Anything that she said to you about Spencer Sinkov?

A. Not that I recall.

Q. Did you speak with anybody else other than the BCI investigators and the State Commission of Correction about the events of May 20?

A. We had Ulster County came down with a crisis intervention team and talked to the whole group of us that were involved in it.

Q. Was the purpose of that? To provide assistance to the correction officers --

A. Yes.

Q. -- who were involved?

A. Yes.

Q. Anything else?

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A. Not that I can recall, no.

Q. In terms of the crisis intervention team, did you meet as part of a group or individual?

A. Group.

Q. Did anybody say anything during the meeting that you can recall, anybody on behalf of correction officers?

A. I'm not sure I understand you.

Q. There were members of the crisis intervention team that came and spoke with a group of correction officers; correct?

A. Yes.

Q. Did any of the correction officers say anything during the intervention?

A. Yeah. The meeting was more or less to put out your feelings as to what happened. How it affected you. Most everybody did speak out.

Q. Do you recall if Vasaturo was there?

A. No. I don't think he was.

Q. How about LaPolla, was he there?

A. No. It was just for the people

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1 that were actually there during the
2 incident.

3 Q. Did Oliver say anything that you
4 can recall?

5 A. I remember him speaking. I don't
6 remember what he said.

7 Q. When the members of BCI came and
8 spoke with you, do you recall who it was
9 specifically?

10 A. There was a couple of them that I
11 talked to that day that were there.

12 Q. Who did you give a statement to?

13 A. I'm not 100 percent sure, but I
14 think it was Investigator DePerno.

15 Q. What was the format of that? Did
16 he ask you questions? Did you give him
17 information?

18 A. A little bit of both. They took
19 me next-door to the BCI office and asked
20 questions. Asked me to explain what
21 happened. What I did.

22 Q. Did they prepare a typewritten
23 statement for you?

24 A. Yeah. After all the questions

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1 were asked.

2 Q. Did you review it?

3 A. Yes.

4 Q. Did you sign it after you reviewed
5 it?

6 A. I believe I did.

7 Q. Did you understand that you were
8 signing it under penalty of perjury?

9 A. Yes.

10 Q. Was there anything in the
11 typewritten statement that was inaccurate at
12 the time that you signed it?

13 A. Not -- no.

14 Q. Did you ever see statements
15 provided to BCI by anyone else?

16 A. No.

17 MS. BERG: I'm going to
18 have marked as Exhibit 21, a copy of the
19 witness' May 20, 2006 statement.

20 (Whereupon, Plaintiff's Exhibit 21,
21 STATEMENT OF WITNESS DATED 5/20/06, was marked
22 for identification.)

23 Q. Take a look at 21. Is that the
24 statement that you signed which was prepared
25

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1 by BCI?

2 A. Yes.

3 Q. As you sit here today, do you
4 believe that's accurate?

5 A. Yes.

6 Q. About halfway down, there's a
7 reference to, "His father asked him if he
8 did drugs last night and if he was
9 withdrawing. Sinkov told his father that he
10 did do drugs, and he was withdrawing but not
11 that bad."

12 A. Yes.

13 Q. I believe earlier when you
14 testified, you indicated that Spencer said
15 in words or something not that bad right
16 now; do you recall that?

17 A. Yeah, I recall saying that.

18 Q. Is there some reason why you
19 didn't put reference to him -- the rest of
20 his statement, namely not that bad right now
21 in there?

22 A. He may not have specifically said
23 right now.

24 Q. Do you recall one way or another?

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1 A. I don't recall 100 percent, no.

2 Q. Did you ever ask Spencer anything
3 about whether or not he was experiencing any
4 symptoms of withdrawing?

5 A. No.

6 Q. Did you ever report to anyone that
7 Spencer indicated during the visit that he
8 was withdrawing, but that it wasn't that bad
9 right now?

10 A. No. Not that I recall.

11 Q. You say there was no mention of
12 Sinkov being unhappy or mention of suicide;
13 do you see that portion?

14 A. Yes.

15 Q. There were portions of that visit
16 that you couldn't hear; correct?

17 A. Yes.

18 Q. You indicate that you escorted
19 Sinkov back to north, but stopped at medical
20 where Officer Oliver returned Sinkov to his
21 cell; do you see that?

22 A. Yes.

23 Q. You didn't indicate anything in
24 the statement about what you observed happen
25

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1 outside of medical; correct?

2 **A. Correct.**

3 **Q.** Is there some reason why you
4 omitted that?

5 **A. I probably forgot it. No**
6 **specific reason, no.**

7 **Q.** You indicate, I believe, Officer
8 Oliver cut Sinkov down. He fell to the
9 floor; do you see that?

10 **A. Yes.**

11 **Q.** When you saw Oliver cut Sinkov
12 down and Sinkov fell to the floor, did
13 Sinkov hit anything?

14 **A. I believe he hit part of the bed**
15 **and then fell to the floor.**

16 **Q.** Do you recall what part of his
17 body came into contact with the bed?

18 **A. I didn't specifically see it**
19 **because I wasn't -- to be honest with you, I**
20 **wasn't staring straight at him.**

21 **Q.** Did you hear anything in terms of
22 Spencer's body coming into contact with
23 anything?

24 **A. You can hear something hit the**
25 **COMPU-TRAN SHORTHAND REPORTING**

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1 **metal bed.**

2 **Q.** Did anybody say anything about
3 that in your presence?

4 **A. Not that I recall, no.**

5 **Q.** You indicate in the next two lines
6 in substance that you assisted Officer
7 Bartley who asked you to go get the bag
8 valve mask?

9 **A. Yes.**

10 **Q.** That's the BVM?

11 **A. Yes.**

12 **Q.** You said you went to the north
13 housing desk and took the bag and returned
14 to the cell. The nurse told me that they
15 didn't need the mask because they stopped
16 CPR; do you see that?

17 **A. Yes.**

18 **Q.** Does that refresh your
19 recollection that CPR was stopped during the
20 time that you went to get the BVM?

21 **A. Yes.**

22 **Q.** Is there anything else that you
23 can recall about the events of May 20th
24 that's not contained in this statement

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1 Exhibit 21?

2 **A. Other than the stuff we just**
3 **talked about, no.**

4 **Q.** Did you ever see the State
5 Commission's report with respect to Spencer
6 Sinkov's death?

7 **A. No.**

8 **Q.** Did anybody ever discuss it with
9 you other than what you said earlier about
10 Vasaturo and the fact that it recommended
11 action against him?

12 **A. There were no details discussed**
13 **with me, no.**

14 **Q.** Anything in substance?

15 **A. During a meeting with the union**
16 **attorneys, our civil captain, they said**
17 **there was -- they got the report back from**
18 **the commission, and they were going to**
19 **follow-up on it. That's pretty much all**
20 **they said.**

21 **Q.** When was that meeting?

22 **A. I honestly don't remember.**

23 **Q.** Was it in 2006?

24 **A. No. I think it was in 2007.**

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1 **Q.** Do you recall if anything was
2 discussed at that time about extending the
3 time for the correction officer and the
4 sergeant, Vasaturo and LaPolla, to be served
5 with disciplinary charges?

6 **A. Not that I know.**

7 **Q.** Did you ever partake in any
8 conversations about that?

9 **A. Yes.**

10 **Q.** Who did you speak with?

11 **A. Union attorneys.**

12 **Q.** Was anybody else present when you
13 spoke with the union attorneys?

14 **A. It was on the phone.**

15 **Q.** Do you recall what you said to
16 them and what they said to you?

17 **MR. RANDAZZO: Objection.**

18 **Q.** Just yes or no.

19 **MR. RANDAZZO: Just answer**
20 **it yes or no, if you recall.**

21 **A. Yes.**

22 **MS. BERG: Are you**
23 **asserting privilege?**

24 **MR. RANDAZZO:**
25 **COMPU-TRAN SHORTHAND REPORTING**

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Attorney/client privilege.

Q. Any other conversations that you had with anybody about disciplinary charges or extending the time to discipline Vasaturo and LaPolla?

A. No.

Q. During the meeting with the civil captain, the union attorneys and yourself, was Vasaturo and LaPolla present?

A. No.

Q. Other than -- was it Captain McNamara?

A. Yes.

Q. Other than McNamara indicating that he got the report and he would follow-up, did he say anything else?

A. Not in reference to the suicide, no.

Q. Did you say anything?

A. No.

Q. I'm going to show you what was previously marked as Exhibit 13. Did you ever see that before?

A. No.

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Q. Any idea who wrote that?

A. No.

Q. The first paragraph refers to the captain running around updating the logbooks that are never used. Any idea what that's a reference to?

A. No.

Q. And coming out with new policies and procedures; any idea what that's in reference to?

A. Looks like it refers to the program officer.

Q. But in terms of the new policies and procedures, do you know what that specifically refers to?

A. No. Our program officer was fairly new at that time.

Q. In November of 2006?

A. I remember when he started. Maybe I'm misquoting myself.

Q. Take a look at the second page, second paragraph starts, "Just a few days before the commission arrived to interview everyone;" do you see that?

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A. Yes.

Q. "The captain changed the policy and procedure to cover the department essentially making Sergeant LaPolla and Officer Vasaturo look like they did not follow this procedure;" do you have any idea what that is referring to?

A. No.

Q. Did you ever discuss that with anyone?

A. No.

Q. Including Vasaturo and LaPolla?

A. We have policies and procedures that change all the time.

Q. Well, specifically though relating to Spencer's death and any indication by Vasaturo or LaPolla that policies were being changed to try to implicate them?

A. Sergeant LaPolla did mention a policy change, but he didn't get into specifics.

Q. Do you recall what he said about that?

A. Just that a policy was put in the

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procedure book and backdated.

Q. Do you recall when he told you that?

A. No, I don't recall the date.

Q. Do you recall anything -- did LaPolla say anything about what the procedure was or the policy was?

A. I don't recall the exact procedure, no.

Q. Do you recall if you had this conversation with LaPolla before or after you met with Captain McNamara and the union attorneys about the disciplinary action?

A. I don't recall that, no.

Q. You don't remember the sequence?

A. No.

Q. Did you see any kind of policy being put into the policy and procedure book that was backdated?

A. Did I, no.

Q. Do you know if it was Exhibit 18, the document I showed you earlier?

A. I don't know. No.

Q. Did you ever speak with anyone

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from Americor about the events of May 20, 2006?

A. Just the nurse. I spoke after it happened. Just it's a support type of thing, you know. Talking back and forth.

Q. Is this Nurse Waters?

A. Yes.

Q. Do you recall anything specific that she said to you?

A. Stuff like, it's a shame. He was so young. Stuff like that.

Q. Anything else?

A. No. Nothing really sticks out.

Q. Did she say anything to you about any interaction she had with Spencer?

A. No.

Q. Did you say anything specific to her?

A. Nothing that -- no.

Q. Including anything about the visit?

A. No.

MS. BERG: Give me a few minutes.

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(Recess taken)

CONTINUED EXAMINATION BY

MS. BERG:

Q. The P-1 book that's kept in the briefing room, what is physically in that book?

A. They're all memos. I didn't see any -- oh. The one -- this one. (Indicating)

Q. Exhibit 4?

A. This is a P-1. And it's put in the binder so everybody has access to them.

Q. Is the binder periodically cleaned out, if you will?

A. At some point it is. I don't know what the -- I don't know if there's an actual length of time that they left everything in there, but it is cleaned out at different times.

Q. Let's say, for example, with respect to Spencer, this P-1 is placed in the briefly room book on May 20, 2006 and Spencer, for argument sake, remains in the correctional facility for three weeks. Is

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it practice to brief the incoming officers on each shift that, hey, look this guy came in and he's still on a 15-minute check? Does this have to be undated? How does it work?

A. Again, I'm going from my knowledge. The practice is you brief on something like this so that each shift or each rotation each gets to hear this piece of evidence or whatever you want to refer to it as. I think it's three or four days that covers everybody that was either off or on different shifts and stuff. Any changes or updates with something in reference to this, whether it be mental health or medical, if there was any changes, they would be responsible for submitting a new memo and placing it in that book.

Q. Who actually physically takes the old memo out and puts the new memo in?

A. The old one stays in there.

Q. Would the booking officer have that responsibility?

A. Whoever types up the memo.

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Q. When you reviewed the book on May 20, 2006, let's say, how many days or weeks worth of P-1s were in that briefing book?

A. I couldn't honestly tell you. There was stack of them.

Q. How thick is it?

A. I couldn't give you an exact -- the book itself, the binder part is about that thick. (Indicating)

Q. Two- or three-inch ring binder?

A. Yeah. It's not always full. Sometimes it fills up.

Q. In terms of your review as a matter of your practice or procedure, do you review every memo in the P-1 book, or do you review the most recent ones?

A. The ones I haven't reviewed, I go through them.

Q. Other than the P-1s, are there anything else by way of documentation in the briefing book such as the suicide screening forms or anything else?

A. No.

Q. Just P-1s?

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ROBERT WENDOVER**A. Yes.****Q.** Any answers you've given that you want to modify or change?**A. Not that I can think of right now.**

MS. BERG: I don't have anything else.

MR. KLEINBERG: I have no questions for you, sir.

MS. MARGOLIS: I have no questions.

MR. RANDAZZO: That's it.

o0o

(Time noted: 3:35 p.m.)

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UNITED STATES DISTRICT COURT)

ss:

SOUTHERN DISTRICT OF NEW YORK)

I, ROBERT WENDOVER, the witness herein, having read the foregoing testimony of the pages of this deposition, do hereby certify it to be a true and correct transcript, subject to the corrections, if any, shown on the attached page.

o0o

ROBERT WENDOVER

Subscribed and sworn to before me this ____ day of ____, 2008.

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STATE OF NEW YORK)

) ss

COUNTY OF ROCKLAND)

I, Tracy Smith, Notary Public within and for the State of New York, do hereby certify:

That I reported the proceedings in the within entitled matter, and that the within transcript is a true record of said proceedings.

I further certify that I am not related to any of the parties to the action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of February, 2008.

TRACY SMITH,
NOTARY PUBLIC

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CORRECTION SHEET

Re: SINKOV VS SMITH, ET AL

The following corrections, additions or deletions were noted on the transcript of the testimony which I gave in the above-captioned matter, held on January 16, 2008.

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ROBERT WENDOVER

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<p>33:2, 33:21, 56:24 <i>Training</i> [1] - 14:4 <i>transcript</i> [4] - 5:8, 98:10, 99:13, 100:5 <i>transferred</i> [1] - 51:18 <i>transports</i> [1] - 6:7 TRIAL [1] - 1:17 <i>trial</i> [1] - 3:13 <i>true</i> [3] - 39:5, 98:10, 99:13 <i>Try</i> [1] - 4:22 <i>try</i> [1] - 91:19 <i>trying</i> [1] - 74:20 TV [1] - 53:16 <i>Two</i> [2] - 25:7, 96:11 <i>two</i> [3] - 6:15, 52:8, 86:6 <i>type</i> [3] - 18:17, 36:3, 93:5 <i>types</i> [1] - 95:25 <i>typewritten</i> [3] - 18:12, 81:23, 82:12 <i>typically</i> [2] - 57:3, 57:9</p>	<p>36:25, 69:15, 69:22 <i>Verbal</i> [3] - 16:19, 69:17, 69:19 <i>verbalize</i> [1] - 4:22 <i>verbally</i> [2] - 35:18, 35:21 <i>version</i> [1] - 21:19 <i>versus</i> [1] - 24:11 VERVENIOTIS [1] - 2:8 <i>via</i> [2] - 60:3, 68:18 <i>visit</i> [38] - 20:6, 21:24, 21:25, 24:11, 24:12, 24:16, 24:19, 48:8, 48:11, 48:16, 48:23, 51:10, 51:23, 52:18, 54:9, 54:25, 56:21, 58:3, 58:15, 58:25, 62:19, 62:25, 63:4, 63:7, 63:11, 63:14, 63:19, 63:25, 65:2, 65:9, 66:3, 66:4, 66:8, 67:2, 77:14, 84:8, 84:16, 93:22 <i>Visitation</i> [3] - 64:13, 66:17, 66:20 <i>visitation</i> [9] - 51:14, 52:3, 52:6, 60:9, 63:23, 64:22, 65:19, 66:13, 77:13 VISITATION [2] - 64:16, 101:15 <i>Visitor</i> [1] - 68:5 <i>Visitor's</i> [1] - 64:14 VISITOR'S [2] - 64:16, 101:15 <i>visitors</i> [1] - 64:5 <i>Visitors</i> [1] - 64:6 <i>visits</i> [10] - 7:12, 20:7, 22:12, 24:5, 24:6, 57:13, 64:25, 65:3, 65:6, 66:6 <i>visual</i> [1] - 22:20 <i>Vital</i> [1] - 45:24 <i>vital</i> [1] - 45:24 VS [1] - 100:3</p>	<p>Wendover [2] - 4:13, 4:15 WHEREOF [1] - 99:21 <i>White</i> [3] - 1:15, 2:5, 2:21 <i>whole</i> [3] - 23:18, 27:9, 79:17 WILSON [1] - 2:19 <i>withdrawal</i> [4] - 41:22, 56:12, 57:2, 57:18 <i>withdrawing</i> [8] - 56:14, 56:15, 57:8, 63:20, 83:10, 83:11, 84:5, 84:9 <i>withdrawn</i> [3] - 10:2, 53:11, 60:8 <i>witness</i> [2] - 1:18, 98:7 WITNESS [3] - 82:22, 99:21, 101:16 <i>witness'</i> [1] - 82:20 <i>witnessed</i> [1] - 63:4 <i>word</i> [1] - 66:25 <i>wording</i> [1] - 24:13 <i>words</i> [4] - 14:11, 32:24, 57:7, 83:16 <i>worker</i> [1] - 43:19 <i>workers</i> [1] - 29:11 <i>worn</i> [1] - 50:14 <i>worry</i> [1] - 58:18 <i>worth</i> [1] - 96:4 <i>wraps</i> [1] - 6:8 <i>write</i> [1] - 64:9 <i>writing</i> [3] - 18:10, 35:19, 69:22 <i>written</i> [5] - 16:18, 18:4, 65:22, 69:16, 69:20 <i>wrote</i> [1] - 90:2</p>
<p>U</p> <p><i>Ulster</i> [1] - 79:15 <i>undated</i> [1] - 95:5 <i>under</i> [6] - 28:8, 31:4, 32:7, 66:22, 67:2, 82:9 <i>underneath</i> [2] - 20:5, 50:22 <i>unfortunately</i> [1] - 58:17 <i>unhappy</i> [1] - 84:13 <i>union</i> [6] - 24:25, 25:4, 87:16, 88:14, 89:9, 92:13 Union [1] - 88:12 <i>Unit</i> [6] - 6:25, 7:9, 49:10, 68:19, 70:9, 77:23 <i>unit</i> [4] - 23:18, 29:9, 39:11, 59:7 UNITED [2] - 1:2, 98:2 <i>up</i> [14] - 6:8, 16:11, 17:21, 36:3, 49:7, 49:11, 55:16, 74:24, 75:11, 75:15, 87:20, 89:17, 95:25, 96:13 <i>update</i> [1] - 30:6 <i>updates</i> [3] - 29:25, 30:3, 95:15 <i>updating</i> [1] - 90:5 <i>usage</i> [1] - 57:2 <i>uses</i> [2] - 30:22, 33:16</p>	<p>W</p> <p><i>waited</i> [1] - 75:14 <i>waived</i> [1] - 3:5 <i>walking</i> [1] - 61:16 <i>watch</i> [22] - 8:9, 8:11, 8:23, 8:24, 9:19, 9:23, 9:24, 10:17, 10:18, 11:25, 32:11, 32:18, 33:5, 33:10, 36:2, 36:17, 37:8, 37:15, 41:13, 41:17 <i>Waters</i> [5] - 59:17, 61:5, 62:5, 70:18, 93:7 <i>ways</i> [1] - 17:20 <i>wearing</i> [2] - 50:6, 50:13 <i>week</i> [3] - 65:13, 65:19, 67:16 <i>weeks</i> [5] - 21:12, 31:13, 43:16, 94:25, 96:3 <i>weight</i> [1] - 49:25 WENDOVER [4] - 1:18, 98:7, 98:20, 100:20</p>	<p>Y</p> <p><i>year</i> [4] - 8:21, 11:3, 28:7, 43:15 <i>yearly</i> [1] - 10:23 <i>years</i> [4] - 6:15, 13:23, 25:7, 76:8 YORK [4] - 1:2, 1:10, 98:4, 99:2 <i>York</i> [11] - 1:15, 1:22, 2:5, 2:11, 2:16, 2:21, 4:5, 4:14, 14:12, 32:16, 99:8 <i>young</i> [1] - 93:12 <i>younger</i> [2] - 55:19, 56:2 <i>yourself</i> [3] - 58:3, 60:23, 89:9</p>
<p>V</p> <p><i>valve</i> [1] - 86:9 <i>varied</i> [1] - 22:24 <i>varies</i> [1] - 40:18 Vasaturo [12] - 25:10, 26:10, 78:15, 80:21, 87:11, 88:5, 89:5, 89:10, 91:6, 91:13, 91:18 VASATURO [2] - 1:9, 2:15 <i>verbal</i> [5] - 16:17, 16:19,</p>		

EXHIBIT W

State of New York, County of Putnam
Justice Court, Town of Putnam Valley

People of the State of New York

vs.

Spencer E. Sinkov

DEFENDANT

FELONY COMPLAINT
C.S.C.S. 3rd

I, Corinne Musella, a Deputy Sheriff employed by the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 7th day of April 2006, while in the Town of Putnam Valley, County of Putnam, New York. Did commit the offense of Criminal Sale of a Controlled Substance in the Third Degree, a Felony in violation of section 220.39-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal sale of a controlled substance in the third degree when he knowingly and unlawfully sells a narcotic drug.

The facts upon which this felony complaint is based are as follows:

The above defendant, on the aforementioned date, at about 2020 hours, while at the end of the driveway of his residence, located at 31 Boswell Road, in the Town of Putnam Valley, Putnam County, New York. Did knowingly and unlawfully sell two small glassine envelopes containing what the defendant described as the narcotic drug heroin, to another, for \$40.00 dollars in U. S. Currency.

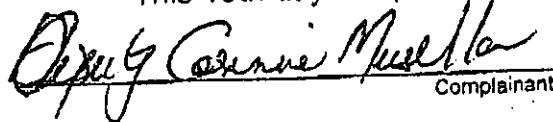
All contrary to the statute in such case made and provided.

The foregoing factual allegations are based upon personal knowledge of the complainant (and upon information and belief being). Police Investigation.

Verification by Subscription and Notice
Under Penal Law Section 210.45

It is a crime, punishable as a Class A Misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Affirmed under penalty of perjury
This 15th day of April 2006


Complainant

State of New York: County of Putnam
Justice Court: Town of Putnam Valley

People of the State of New York

vs.

Spencer E. Sinkov

DEFENDANT

FELONY COMPLAINT
C.P.C.S. 3rd

I, Corinne Musella, a Deputy Sheriff of the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 7th day of April 2006, while in the Town of Putnam Valley, County of Putnam, New York. Did commit the offense of Criminal Possession of a Controlled Substance in the Third Degree, a Felony in violation of section 220.16-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal possession of a controlled substance in the third degree when he knowingly and unlawfully possesses a narcotic drug with intent to sell it.

The facts upon which this Felony Complaint is based are as follows:

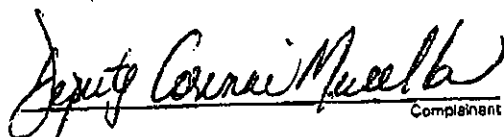
The above named defendant on the aforementioned date, at about 2020 hours, while at the end of the driveway of his residence, located at 31 Boswell Road in the Town of Putnam Valley, Putnam County, New York. Did knowingly and unlawfully possess two small glassine envelopes of what the defendant described as heroin, a narcotic drug, with the intent to sell it.

The foregoing factual allegations are based upon personal knowledge of the complainant (and upon information and belief being). Police Investigation

Verification by Subscription and Notice
Under Penal Law Section 210.45

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Affirmed under penalty of perjury
This 15th day of April 2006


Complainant

State of New York, County of Putnam
Justice Court, Town of Putnam Valley

People of the State of New York

vs.

Spencer E. Sinkov

DEFENDANT

FELONY COMPLAINT
C.S.C.S. 3rd

I, Corinne Musella, a Deputy Sheriff employed by the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 14th day of April 2006, while in the Town of Putnam Valley, County of Putnam, New York. Did commit the offense of Criminal Sale of a Controlled Substance in the Third Degree, a Felony in violation of section 220.39-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal sale of a controlled substance in the third degree when he knowingly and unlawfully sells a narcotic drug.

The facts upon which this felony complaint is based are as follows:

The above defendant, on the aforementioned date, at about 2120 hours, while parked on Circle Road, in the Town of Putnam Valley, Putnam County, New York. Did knowingly and unlawfully sell four small glassine envelopes containing what the defendant described as the narcotic drug heroin, to another, for \$80.00 dollars in U. S. Currency.

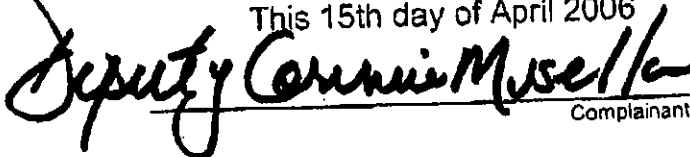
All contrary to the statute in such case made and provided.

The foregoing factual allegations are based upon personal knowledge of the complainant (and upon information and belief being). Police Investigation.

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Affirmed under penalty of perjury
This 15th day of April 2006


Complainant

State of New York: County of Putnam
Justice Court: Town of Putnam Valley

People of the State of New York

VS.

Spencer E. Sinkov

DEFENDANT

FELONY COMPLAINT
C.P.C.S. 3rd

I, Corinne Musella, a Deputy Sheriff of the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 14th day of April 2006, while in the Town of Putnam Valley, County of Putnam, New York. Did commit the offense of Criminal Possession of a Controlled Substance in the Third degree, a Felony in violation of section 220.16-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal possession of a controlled substance in the third degree when he knowingly and unlawfully possesses a narcotic drug with intent to sell it.

The facts upon which this Felony Complaint is based are as follows:

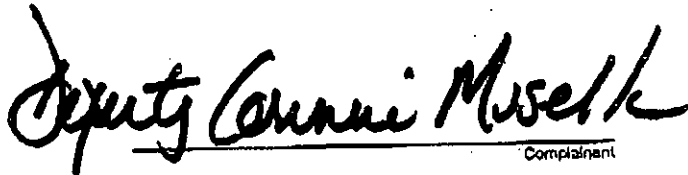
The above named defendant on the aforementioned date, at about 2120 hours, while parked on Circle Road in the Town of Putnam Valley, Putnam County, New York. Did knowingly and unlawfully possess four glassine envelopes containing what the defendant described as heroin, a narcotic drug, with the intent to sell it.

The foregoing factual allegations are based upon personal knowledge of the complainant (and upon information and belief being). Police Investigation

Verification by Subscription and Notice
Under Penal Law Section 210.45

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Affirmed under penalty of perjury
This 15th day of April 2006


Complainant

State of New York, County of Putnam
Justice Court, Town of Putnam Valley

People of the State of New York

vs.

Spencer E. Sinkov

DEFENDANT

FELONY COMPLAINT
C.S.C.S. 3rd

I, Corinne Musella, a Deputy Sheriff employed by the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 20th day of April 2006, while in the Town of Putnam Valley, County of Putnam, New York. Did commit the offense of Criminal Sale of a Controlled Substance in the Third Degree, a Felony in violation of section 220.39-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal sale of a controlled substance in the third degree when he knowingly and unlawfully sells a narcotic drug.

The facts upon which this felony complaint is based are as follows:

The above defendant, on the aforementioned date, at about 2210 hours, while parked at the Mobil Station, located on Bryant Pond Road, in the Town of Putnam Valley, Putnam County, New York. Did knowingly and unlawfully sell four small glassine envelopes containing what the defendant described as the narcotic drug Heroin, to another, for \$80.00 dollars in U. S. Currency.

All contrary to the statute in such case made and provided.

The foregoing factual allegations are based upon personal knowledge of the complainant (and upon information and belief being). Police Investigation.

Verification by Subscription and Notice
Under Penal Law Section 210.45

It is a crime, punishable as a Class A Misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Affirmed under penalty of perjury
This 22nd day of April 2006

Deputy Corinne Musella
Complainant

State of New York: County of Putnam
Justice Court: Town of Putnam Valley

People of the State of New York

vs.

Spencer E. Sinkov

DEFENDANT

FELONY COMPLAINT
C.P.C.S. 3rd

I, Corinne Musella, a Deputy Sheriff of the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 20th day of April 2006, while in the Town of Putnam Valley, County of Putnam, New York. Did commit the offense of Criminal Possession of a Controlled Substance in the Third Degree, a Felony in violation of section 220.16-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal possession of a controlled substance in the third degree when he knowingly and unlawfully possesses a narcotic drug with intent to sell it.

The facts upon which this Felony Complaint is based are as follows:

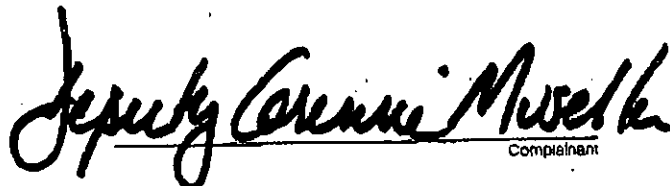
The above named defendant on the aforementioned date, at about 2210 hours, while parked at the Mobil Station, located on Bryant Pond Road, in the Town of Putnam Valley, Putnam County, New York. Did knowingly and unlawfully possess four glassine envelopes containing what the defendant described as Heroin, a narcotic drug, with the intent to sell it.

The foregoing factual allegations are based upon personal knowledge of the complainant (and upon information and belief being). Police Investigation

Verification by Subscription and Notice
Under Penal Law Section 210.45

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Affirmed under penalty of perjury
This 22nd day of April 2006


Complainant

State of New York, County of Putnam
Justice Court, Town of Putnam Valley
People of the State of New York
vs.

FELONY COMPLAINT
C.S.C.S. 3rd

Spencer E. Sinkov

DEFENDANT

I, Corinne Musella, a Deputy Sheriff employed by the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 11th day of May 2006, while in the Town of Putnam Valley, County of Putnam, New York. Did commit the offense of Criminal Sale of a Controlled Substance in the Third Degree, a Felony in violation of section 220.39-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal sale of a controlled substance in the third degree when he knowingly and unlawfully sells a narcotic drug.

The facts upon which this felony complaint is based are as follows:

The above defendant, on the aforementioned date, at about 2245 hours, while on the property of the residence of 71 Mathes Street, in the Town of Putnam Valley, Putnam County, New York. Did knowingly and unlawfully sell four small glassine envelopes containing what the defendant described as the narcotic drug heroin, to another, for \$80.00 dollars in U. S. Currency.

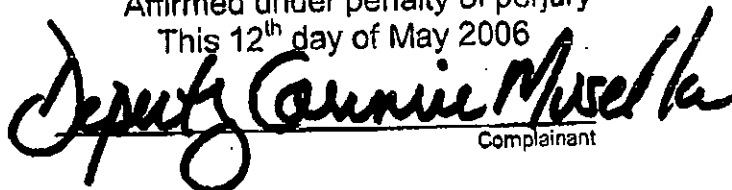
All contrary to the statute in such case made and provided.

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Verification by Subscription and Notice
Under Penal Law Section 210.45

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Affirmed under penalty of perjury
This 12th day of May 2006


Complainant

State of New York: County of Putnam
Justice Court: Town of Putnam Valley

People of the State of New York

vs.

Spencer E. Sinkov

DEFENDANT

FELONY COMPLAINT
C.P.C.S. 3rd

I, Corinne Musella, a Deputy Sheriff of the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 11th day May 2006, while in the Town of Putnam Valley, County of Putnam, New York. Did commit the offense of Criminal Possession of a Controlled Substance in the Third Degree, a Felony in violation of section 220.16-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal possession of a controlled substance in the third degree when he knowingly and unlawfully possesses a narcotic drug with intent to sell it.

The facts upon which this Felony Complaint is based are as follows:

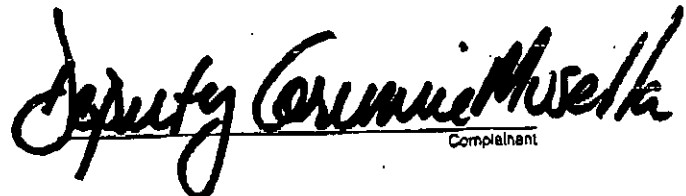
The above named defendant on the aforementioned date, at about 2245 hours, while on the property of the residence of 71 Mathes Street, in the Town of Putnam Valley, Putnam County, New York. Did knowingly and unlawfully possess four glassine envelopes containing what the defendant described as Heroin, a narcotic drug, with the intent to sell it.

The foregoing factual allegations are based upon personal knowledge of the complainant (and upon information and belief being). Police Investigation

Verification by Subscription and Notice
Under Penal Law Section 210.45

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Affirmed under penalty of perjury
This 12th day of May 2006


Complainant

State of New York, County of Putnam
Justice Court, Town of Putnam Valley
People of the State of New York

FELONY COMPLAINT
C.S.C.S. 3rd

VS.

Spencer E. Sinkov

DEFENDANT

I, Corinne Musella, a Deputy Sheriff employed by the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 19th day of May 2006, while in the Town of Putnam Valley, County of Putnam, New York. Did commit the offense of Criminal Sale of a Controlled Substance in the Third Degree, a Felony in violation of section 220.39-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal sale of a controlled substance in the third degree when he knowingly and unlawfully sells a narcotic drug.

The facts upon which this felony complaint is based are as follows:

The above defendant, on the aforementioned date, at about 2015 hours, while at the end of the driveway of his residence, located at 31 Boswell Road, in the Town of Putnam Valley, Putnam County, New York. Did knowingly and unlawfully sell two small glassine envelopes containing what the defendant described as the narcotic drug heroin, to another, for \$45.00 dollars in U. S. Currency.

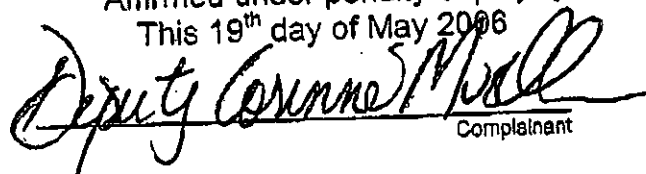
All contrary to the statute in such case made and provided.

The foregoing factual allegations are based upon personal knowledge of the complainant (and upon information and belief being). Police Investigation.

Verification by Subscription and Notice
Under Penal Law Section 210.45

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Affirmed under penalty of perjury
This 19th day of May 2006


Complainant

State of New York: County of Putnam
Justice Court: Town of Putnam Valley

People of the State of New York

vs.

Spencer E. Sinkov

DEFENDANT

FELONY COMPLAINT
C.P.C.S. 3rd

I, Corinne Musella, a Deputy Sheriff of the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 19th day May 2006, while in the Town of Putnam Valley, County of Putnam, New York. Did commit the offense of Criminal Possession of a Controlled Substance in the Third Degree, a Felony in violation of section 220.16-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal possession of a controlled substance in the third degree when he knowingly and unlawfully possesses a narcotic drug with intent to sell it.

The facts upon which this Felony Complaint is based are as follows:

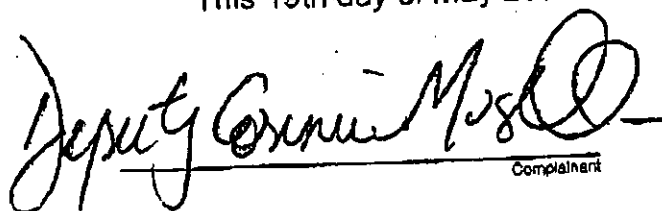
The above named defendant on the aforementioned date, at about 2015 hours, while at the end of the driveway of his residence, located at 31 Boswell Road, in the Town of Putnam Valley, Putnam County, New York. Did knowingly and unlawfully possess two glassine envelopes containing what the defendant described as Heroin, a narcotic drug, with the intent to sell it.

The foregoing factual allegations are based upon personal knowledge of the complainant (and upon information and belief being). Police Investigation

Verification by Subscription and Notice
Under Penal Law Section 210.45

It is a crime, punishable as a Class A Misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Affirmed under penalty of perjury
This 19th day of May 2006


Complainant

State of New York: County of Putnam
Justice Court: Town of Carmel

FELONY COMPLAINT
C.P.C.S. 3rd

People of the State of New York
vs.

Spencer E. Sinkov

DEFENDANT

I, Corinne Musella, a Deputy Sheriff of the Putnam County Sheriff's Department, by this Felony Complaint makes written accusation as follows:

That Spencer E. Sinkov, on the 20th day May 2006, while in the Town of Carmel, County of Putnam, New York. Did commit the offense of Criminal Possession of a Controlled Substance in the Third Degree, a Felony in violation of section 220.16-1 of the Penal Law of the State of New York, in that he did, at the aforesaid time and place:

COUNT ONE: A person is guilty of criminal possession of a controlled substance in the third degree when he knowingly and unlawfully possesses a narcotic drug with intent to sell it.

The facts upon which this Felony Complaint is based are as follows:

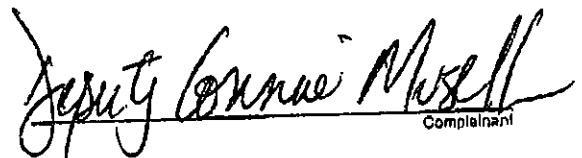
The above named defendant on the aforementioned date, at about 0015 hours, while inside of the Town of Carmel Court (while awaiting arraignment on other charges), in the Town of Carmel, Putnam County, New York. Did knowingly and unlawfully possess fifteen glassine envelopes containing what the defendant described as Heroin.

The foregoing factual allegations are based upon personal knowledge of the complainant (and upon information and belief being). Police Investigation.

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Affirmed under penalty of perjury
This 20th day of May 2006


Complainant